

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

PRO-FOOTBALL, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:14-cv-01043-GBL-IDD
	)	
AMANDA BLACKHORSE, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

THIS MATTER is before the Court on the American Civil Liberties Union and the American Civil Liberties Union of Virginia's (collectively "ACLU") Motion for Leave to File Brief of *Amicus Curiae* (Doc. 76). The ACLU seeks to file a brief on the issue of whether Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), is constitutional. "The decision whether to allow a non-party to participate as an amicus curiae is solely within the broad discretion of the Court." *DeJulio v. Georgia*, 127 F. Supp. 2d 1274, 1284 (N.D. Ga. 2001) (citations omitted). "[M]otion[s] for leave to file an amicus curiae brief . . . should not be granted unless the court deems the proffered information timely and useful." *Bryant v. Better Bus. Bureau of Greater Md., Inc.*, 923 F. Supp. 720, 728 (D. Md. 1996) (citation and internal quotation marks omitted). When considering a motion for leave to file an amicus curiae brief, trial courts often consider whether existing counsel is in need of assistance. *See id.* (citation omitted).

Having reviewed the pleadings, the Court finds that the issue of whether Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), is constitutional has been thoroughly briefed by Pro-Football, Inc. ("PFI"), Blackhorse Defendants, and the United States as an intervenor. Blackhorse Defendants even consented to PFI receiving additional pages for its reply brief on the

constitutionality of Section 2(a) of the Lanham Act because the United States is filing a separate brief opposing PFI's constitutional arguments. Moreover, Blackhorse Defendants have stated that they do not need outside assistance in presenting their constitutional arguments to the Court. Accordingly, it is hereby

**ORDERED** that the ACLU's Motion for Leave to File Brief of *Amicus Curiae* (Doc. 76) is **DENIED**.

**IT IS SO ORDERED.**

ENTERED this 8<sup>th</sup> day of July, 2015.

Alexandria, Virginia  
7/8/2015

\_\_\_\_\_/s/  
Gerald Bruce Lee  
United States District Judge